

REMARKS

In response to the Office Action dated September 11, 2007, Applicants elect, without traverse, Group I (claims 76-103).

In addition, Applicants have been asked to make a series of subgroup species elections should Group I be elected. Claim "1" was defined as generic on page 6 of the Action, and Applicants presume that the Examiner intended to indicate the claim 76 was generic since claim 1 is no longer pending.

Subgroup 1

The Action requires that Applicants elect a single species of RNA stress response, and further that Applicants elect a specific assay for monitoring the elected stress response. Applicants hereby elect cytopathic effects as the stress response, monitored by phase contrast light microscopy to detect detached and/or rounded cells.

Subgroup 2

The Action requires that Applicants elect a single species of target gene, and further that Applicants elect a method for monitoring the target gene. Applicants hereby elect a pathogen gene for purposes of search, which is monitored by measuring the level of protein expression by ELISA.

Subgroup 3

The Action requires that Applicants elect an integrating or non-integrating vector, and specify whether the vector contains a promoter and if so, which promoter. The Action also requires that Applicants elect a specific selectable marker, and a specific reporter gene. In response, Applicants hereby elect a non-replicating, non-integrating vector containing a RNA polIII promoter. Generally, the vectors that Applicants employ do not contain a eukaryotic selectable marker or a reporter gene, but for other uses and for purposes of search, Applicants elect hygromycin as the selectable marker and luciferase as the reporter.

Subgroup 4

The Action requires that Applicants elect a single species of cell. In response, Applicants elect a human liver cell or hepatocyte, which is implied by the disclosure of HBV at page 51, line 11.

Subgroup 5

The Action requires that Applicants elect a single species of expressed double stranded RNA (dsRNA), including whether the dsRNA includes any DNA portions, whether the dsRNA is a single molecule with an inverted repeat or two strands bound to one another, whether the dsRNA is circular or linear, whether there are any modified nucleotides, and what is the total size. In response, Applicants elect a linear dsRNA expressed from a single promoter that contains an inverted repeat and is entirely RNA. Applicants do not elect any specific modified nucleotides. Applicants believe that the size of the dsRNA molecule is irrelevant to the claimed method, but for the purposes of search, Applicants elect a dsRNA with the above characteristics that contains a double stranded region of 21 base pairs and a single stranded "loop" region of nine nucleotides. New claim 141 has been added which encompasses the elected species, with support being found at the very least on pages 14-15 and 25-26.

Of the claims of Group I, Applicants believe that claims 76, 77, 79, 80-82, 90, 91, 99, 100 and 141 correspond to the elected species above. As Applicants understand, should the generic claim be found to be allowable, Applicants will be entitled pursuant to 37 CFR 1.141 to consideration of claims to additional species which depend from and require all the limitations of the allowable generic claim.

Applicants note that claims similar to those elected above have recently been allowed in Australia (AU patent 14735/02). Applicants are anxious to advance this corresponding application to allowance and invite the Examiner to telephone the undersigned if he believes a discussion will help clarify any issue and expedite allowance.

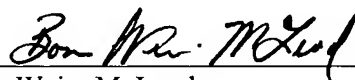
Except for issue fees payable under 37 CFR §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

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